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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 DENNIS HOF, an individual; CHERRY
13 PATCH LLC, a Nevada Limited Liability
14 Company,

15 Plaintiffs,

16 v.

17 NYE COUNTY; NYE COUNTY BOARD
18 OF COUNTY COMMISSIONERS; DAN
19 SCHINHOFEN (in his personal and official
20 capacity as an employee of Nye County);
21 NYE COUNTY SHERIFF'S OFFICE;
22 SHARON WEHRLY (in her official
23 capacity as an employee of Nye County);
24 JANE DOE; and JOHN ROE,

25 Defendants.

26 CASE NO.: 2:18-cv-00211-RFB-GWF

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28 **STIPULATION TO TAKE
AUGUST 8, 2018 MOTION
FOR TEMPORARY
RESTRAINING ORDER
HEARING OFF CALENDAR
PENDING MEDIATION**

29
30 Defendants NYE COUNTY, NYE COUNTY BOARD OF COMMISSIONERS,
31 DAN SCHINHOFEN, NYE COUNTY SHERIFF'S OFFICE and SHARON WEHRLY,
32 by and through their attorney of record, REBECCA BRUCH, ESQ. of ERICKSON,
33 THORPE & SWAINSTON, LTD., and Plaintiffs DENNIS HOF and CHERRY PATCH
34 LLC, hereby stipulate and request that the hearing on the Emergency Motion for
35 Temporary Restraining Order ("Plaintiff's Motion") scheduled for August 8, 2018 at 3:00
36 p.m. (ECF No. 15) be taken off the calendar pending an upcoming mediation between the
37 Parties. Counsel for the Parties have conferred via telephone and agree that early
38 mediation to discuss a possible resolution of the issues raised by Plaintiff's Motion and
39 the litigation is desirable and appropriate at this time. The Parties agree and stipulate to
40 take the hearing currently set on Plaintiff's Motion off the calendar. Parties agree and
41 stipulate to submitting a Joint Status Update after the mediation to inform the Court as to

1 whether the Parties have settled the case or alternatively need to reset the hearing on
2 Plaintiff's Motion.

3 Further, Defendants' counsel is unavailable that particular week in August due to a
4 family commitment that cannot be rescheduled. Thus, if for any reason, this stipulation to
5 take the hearing off the calendar is not granted by the Court, the Parties stipulate and
6 agree that the Court should reschedule the hearing.

7 The Parties hereby request the Court grant their request to take the hearing on
8 Plaintiff's Motion off the calendar pending mediation and the Parties' Joint Status
9 Update.

10 RESPECTFULLY SUBMITTED this 30 day of July, 2018.

11 ERICKSON, THORPE & SWAINSTON, LTD

12 /s/ Rebecca Bruch
13 REBECCA BRUCH, ESQ. (SBN7289)
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16 RANDAZZA LEGAL GROUP, PLLC

17 /s/ LaTeigra Cahill
18 MARC J. RANDAZZA, ESQ. (SBN12265)
19 LATEIGRA C. CAHILL, ESQ. (SBN14352)
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Las Vegas, Nevada 891107
20 *Attorneys for Plaintiffs*

21 IT IS SO ORDERED that the hearing on the Emergency Motion for Temporary
22 Restraining Order scheduled for August 8, 2018 at 3:00 p.m. (ECF No. 15) is
23 vacated pending mediation between the Parties and the submission of the Parties'
24 Joint Status Update regarding the outcome of the mediation.

25 IT IS FURTHER ORDERED that [2] Emergency Motion for Temporary Restraining
26 Order is Denied without prejudice to refiling.

27 
28 RICHARD F. BOULWARE, II
United States District Judge

Dated: July 31, 2018